IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.8345/07
Kailash Vs. Addl. District Judge (FT) No.2, Jaipur Distt.

9.10.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Ram Sharan Sharma for petitioner.

This writ petition has been filed against the order dated 15.8.2007 whereby the application of the petitioner for encashing 4 fixed deposit receipts made in his name each in the sum of Rs.50,000/- was rejected by Additional District Judge (FT) No.2 and Motor Accident Claims Tribunal, Jaipur Distt. Jaipur.

The learned counsel for the petitioner has argued that petitioner is a disabled person having sustained

imputation of leg with 66.66% permanent disability. His wife is suffering from Cancer and according to certificate (Annexure-2) issued by Doctor U.K. Mathur, the approximate cost of her treatment for next six months would be Rs.50,000/-. It is argued that petitioner would also require certain additional amount because he has not been capable of earning himself.

In the facts of the case, I find that interest of justice would be served by allowing the petitioner to encash two fixed deposits receipts in the sum of Rs.50,000/- each with whatever interest which is accrued thereupon.

It is therefore directed that the amount of two FDRs as aforesaid deposited with the concerned bank shall be allowed

to be withdrawn by the petitioner.

With these observations, the writ petition is partly allowed.

(Mohammad Rafiq),J.

Rs/-